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The Commonwealth of Massachusetts

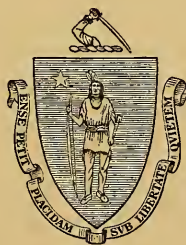
ANNUAL REPORT

OF THE

COMMISSIONERS ON UNIFORM STATE LAWS

FOR THE

Year ending November 30, 1924



Publication of this Document
Approved by the
Commission on Administration and Finance

MASS.
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The Commonwealth of Massachusetts

SIXTEENTH ANNUAL REPORT OF THE COMMISSIONERS ON UNIFORM STATE LAWS.

To His Excellency the Governor and the Honorable Council of the Commonwealth of Massachusetts:—

The Commissioners on Uniform State Laws were constituted a permanent body by General Laws, Chapter 6, Sections 26-28, as amended by Acts of 1924, Chapter 200. The Governor, with the advice and consent of the Council, acting in pursuance of the provisions of said statutory provision, in September, 1924, re-appointed all the three members of the board for a further term of five years. The Commissioners, following their re-appointment, met and organized by re-electing Hollis R. Bailey as Chairman and Secretary.

ACTS RECOMMENDED LAST YEAR.

The Commissioners a year ago recommended the adoption of two uniform laws, viz:—The Uniform Fraudulent Conveyances Act and the Uniform Conditional Sales Act.

The first of these, viz., The Uniform Fraudulent Conveyances Act, was enacted by Chapter 147, of the Acts of 1924, and took effect July first, nineteen hundred and twenty-four. The second, The Uniform Conditional Sales Act, was not adopted.

ACTS RECOMMENDED THIS YEAR.

1. *Uniform Conditional Sales Act.*

The Commissioners believe the Conditional Sales Act to be a desirable piece of legislation, and they again recommend its adoption. The Uniform Sales Act has been a part of the law of Massachusetts since 1908, and has also become the law in at least twenty-six other States and jurisdictions. The Uniform Conditional Sales Act supplements the general sales act. It has been enacted in eight States, including such important commercial States as New York, New Jersey and Wisconsin. Many of its leading provisions are the law in a still larger number of States.

2. *Uniform Occupational Diseases Act.*

The Commissioners also recommend the adoption and enactment of the Uniform Occupational Diseases Act. This was approved by the National Conference of Commissioners on Uniform State Laws in 1920, and by the American Bar Association in 1921. The enactment of this Uniform Act will enable the Industrial Accident Board to award compensation in some cases not now covered by the Workmen's Compensation law. The principles embodied in the Workmen's Compensation law apply to cases of disability arising from occupational diseases. In Europe and in several of the United States legislation has been enacted which covers occupational diseases. Justice requires the adoption of this uniform law.

3. *Uniform Declaratory Judgments Act.*

The Commissioners also recommend the enactment of the Uniform Declaratory Judgments Act. This was approved by the National Conference of Commissioners in 1922, and by the American Bar Association in the following year. The provisions of this act are taken largely from the English law, where the practice proposed has been thoroughly tried and found to be satisfactory. In

Massachusetts the legislature has always been allowed to ask the Supreme Judicial Court for its opinion as to the constitutionality of proposed legislation.

Trustees and Executors now for many years have been allowed to ask the Supreme Judicial Court or the Probate Court for instructions as to the meaning of wills, and as to their duty in carrying out the provisions of the same. Business men will derive much benefit, and will be saved large expense, if they are provided with a practical way in which to ascertain in advance their rights and obligations under existing contracts. This act has been adopted in six States.

ANNUAL MEETING OF CONFERENCE.

The Thirty-fourth annual meeting of the National Conference of Commissioners on Uniform State Laws was held at the Bellevue-Stratford Hotel, Philadelphia, Pa., July 1-8, 1924. The Conference held three sessions a day and considered specific drafts on Uniform Acts as follows:—

1. Third Tentative Draft of a Uniform Arbitration Act.
2. Fourth Tentative Draft of a Uniform Mortgage Act (with reference to real estate mortgages).
3. Ninth Tentative Draft of a Uniform Incorporation Act.
4. Second Tentative Draft of a Uniform Sale of Securities Act.
5. Second Tentative Draft of a Uniform Chattel Mortgage Act.
6. First Tentative Draft of a Uniform Act Governing the use of Highways by Vehicles.
7. First Tentative Draft of a Uniform Act to Regulate the Sale and Possession of Firearms.
8. First Tentative Draft of a Uniform Act for One Day's Rest in Seven.
9. First Tentative Draft of an Act to Validate Certain Written Transactions without Consideration.
10. First Tentative Draft of an Act to Validate Transactions between a Person Acting on His Own Behalf and the Same Person Acting Jointly With Others.
11. First Tentative Draft of an Act Concerning the Discharge of Obligors Bound for the Same Debt.

Only one act was finally approved, viz:—the Uniform Arbitration Act. This act, as approved, is radically different from the New York and New Jersey Acts, and is similar to the Illinois Act.

The American Bar Association has not yet taken any action on this proposed law but will doubtless do so next year.

OFFICERS OF THE CONFERENCE.

Nathan William MacChesney of Chicago, Illinois, was re-elected President.

Joseph F. O'Connell, Esq., of Boston, Mass., was re-elected Vice-President.

Professor George G. Bogert of the Cornell Law School, Ithaca, N. Y., was re-elected Secretary.

W. O. Hart, Esq., of New Orleans, La., was re-elected Treasurer, and Jesse A. Miller, Esq., of Des Moines, Ia., was elected Chairman of the Executive Committee.

Professor Samuel Williston, of the Harvard Law School, was appointed a member of the Committee on Scope and Program; also Chairman of the Committee on Co-operation with the American Law Institute; also a member of the Uniform Commercial Acts Section.

Hollis R. Bailey, of Boston, Mass., was re-appointed a member of the Committee on a Uniform Mortgage Act, also was re-appointed a member of Committee for a Uniform Act for Compacts and Agreements between States.

Joseph F. O'Connell, of Boston, Mass., was re-appointed Chairman of Committee on Uniform Arbitration Act.

A new system of committee work by the creation of Sections with sub-committees was inaugurated.

FINANCIAL STATEMENT.

Amount of Appropriation		\$750 00
Paid Samuel Williston, traveling and other expenses .	\$115 75	
Paid Joseph F. O'Connell, traveling and other expenses .	280 12	
Paid Hollis R. Bailey, traveling and other expenses .	193 13	
Paid contribution towards expenses of National Conference	100 00	
Paid Printing Annual Report	8 94	
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	\$697 94	
Unexpended Balance	52 06	
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		\$750 00

HOLLIS R. BAILEY,
SAMUEL WILLISTON,
JOSEPH. F. O'CONNELL.

Commissioners on Uniform State Laws.